

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 6, 2023

Lyle W. Cayce  
Clerk

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No. 22-60128  
Summary Calendar

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VIJAY KUMAR,

*Petitioner,*

*versus*

MERRICK GARLAND, *U.S. Attorney General,*

*Respondent.*

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Petition for Review of an Order of the  
Board of Immigration Appeals  
Agency No. A209 157 570

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Before DAVIS, SMITH, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Vijay Kumar, a native and citizen of India, timely petitions us for review of a decision of the Board of Immigration Appeals denying his past and future persecution asylum claims.

On petition for review of a BIA decision, this court reviews factual findings for substantial evidence and questions of law de novo. *Lopez-Gomez*

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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*v. Ashcroft*, 263 F.3d 442, 444 (5th Cir. 2001). The substantial-evidence standard applies to review of decisions denying asylum, withholding of removal, and relief under the CAT. *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). This standard requires that the BIA's conclusion be based on the evidence presented and that its decision be substantially reasonable. *Id.* Under this standard, reversal is improper unless the evidence compels a contrary conclusion. *Carbajal-Gonzalez v. INS*, 78 F.3d 194, 197 (5th Cir. 1996).

We are not compelled to find that the harm Kumar experienced in the past is persecution. *See Gjetani v. Barr*, 968 F.3d 393, 397 (5th Cir. 2020); *see also Morales v. Sessions*, 860 F.3d 812, 816 (5th Cir. 2017). To the extent he argues that the Board did not consider psychological harm, this argument is unexhausted. *See Lopez-Dubon v. Holder*, 609 F.3d 642, 644 (5th Cir. 2010). The fear of future persecution arguments are also unexhausted. *Id.*

DENIED in part, DISMISSED in part.